

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Z.T., a minor, by CRYSTY THOMAS, his
Guardian, and CRYSTY THOMAS,

Plaintiffs

v.
Assurity Life Insurance Company

Defendant

Case No.: 2:18-cv-02261-JAD-DJA

Order Dismissing Action for Want of Prosecution

On June 8, 2021, the Court entered an order advising that his case would be dismissed for want of prosecution if no action was taken by July 8, 2021.¹ Plaintiffs filed nothing. District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case.² A court may dismiss an action based on a party’s failure to prosecute an action, failure to obey a court order, or failure to comply with local rules.³ In determining whether to dismiss an action on one of these grounds, the court must consider: (1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic alternatives.⁴

The first two factors, the public's interest in expeditiously resolving this litigation and the court's interest in managing its docket, weigh in favor of dismissal. The third factor, risk of

¹ ECF No. 36 (notice regarding intent to dismiss for want of prosecution).

² *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986).

³ See *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of prosecution and failure to comply with local rules).

⁴ *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423–24.

1 prejudice to defendants, also weighs in favor of dismissal because a presumption of injury arises
2 from the occurrence of unreasonable delay in filing a pleading ordered by the court or
3 prosecuting an action.⁵ A court's warning to a party that its failure to obey the court's order will
4 result in dismissal satisfies the fifth factor's "consideration of alternatives" requirement,⁶ and
5 that warning was given here.⁷ The fourth factor—the public policy favoring disposition of cases
6 on their merits—is greatly outweighed by the factors favoring dismissal.

7 Accordingly, IT IS HEREBY ORDERED that **this action is DISMISSED** without
8 prejudice for want of prosecution. The Clerk of Court is directed to CLOSE THIS CASE.

9
10 U.S. District Judge Jennifer A. Dorsey
11 Dated: September 29, 2021

24
25 ⁵ See *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976).

26 ⁶ *Henderson*, 779 F.2d at 1424.

27 ⁷ ECF No. 36.